

C. G. CONTRACT NO. 388-2

A.G. CONTRACT NO. KR-88-0378-TRD

ECS FILE: IGA-88-14

PROJECT: S-251-504

SECTION: Pueblo Street - East

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF CASA GRANDE

THIS AGREEMENT entered into this 8th day of April, 1988, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the CITY OF CASA GRANDE, acting by and through its City Council, hereinafter called "City".

WHEREAS, State is empowered by Sections 11-952 and 28-108 Arizona Revised Statutes to enter into this agreement and has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement, and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of State; and

WHEREAS, City is empowered by Section 48-572 Arizona Revised Statutes to enter into this agreement and acting by and through its duly elected governing body has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of City; and

WHEREAS, State seeks to improve the safety of the public traveling the state roadway system and desires to improve State Route 287 (S.R. 287) from Pueblo Street (MP 113.0) to Interstate 10 (MP 115.6); and

WHEREAS, City desires improved roadway access and improved traffic circulation patterns within the City; and

WHEREAS, City agrees to contribute ONE HUNDRED AND FIVE THOUSAND DOLLARS (\$105,000) of City funds to State for the construction of said roadway improvements.

FILED WITH SECRETARY OF STATE

NO. 12851

Date Filed 4-12-88

Karen Bohannon
Acting SECRETARY OF STATE

THEREFORE, the parties hereto agree as follows:

STATE SHALL:

1. Prepare plans for roadway improvements to S.R. 287 from Milepost 113.0 to Milepost 115.6.

2. Contract for construction of all improvements, supervise construction, make all payments to the contractor, and approve and accept the new facilities.

3. Retain maintenance responsibilities for S.R. 287 from Milepost 113.0 to Milepost 115.6 upon, completion of construction.

CITY SHALL:

Deposit with State cash in the amount of ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000) prior to award of a construction contract for said improvements by the Transportation Board.

THIS AGREEMENT shall remain in full force and effect until completion of said construction project as aforesaid, provided, however, that this agreement may be canceled at any time prior to the commencement of construction upon 30 days' written notice to the other party; provided, however, agreements herein relating to maintenance shall be in perpetuity.

THIS AGREEMENT shall become effective on the date of filing same with the Secretary of State.

Both parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511 Arizona Revised Statutes.

Both parties further recognize that the provisions of Arizona Revised Statutes 35-214 are applicable to the contract.

In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (B) and (C) of Arizona Revised Statutes as amended.

Attached hereto and incorporated herein by reference is a copy of State's Resolution authorizing entry into this agreement, a copy of City's Resolution passed by its duly elected governing body, a copy of the written determination of the appropriate attorney that City is authorized under the laws of this State to enter into this agreement and said agreement is in proper form and a copy of the Attorney General's Intergovernmental Agreement Determination.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF CASA GRANDE

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

BY: *Jimmie B. Kerr*
Jimmie B. Kerr
TITLE: Mayor

BY: *W. O. Ford*
W. O. Ford
State Engineer

ATTEST: *Nelda M. Donahue*
Nelda M. Donahue
City Clerk

RESOLUTION NO. 1679

A RESOLUTION OF THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF CASA GRANDE FOR THE WIDENING OF FLORENCE BOULEVARD AND AUTHORIZING THE EXPENDITURE OF FUNDS NOT-TO-EXCEED \$105,000.

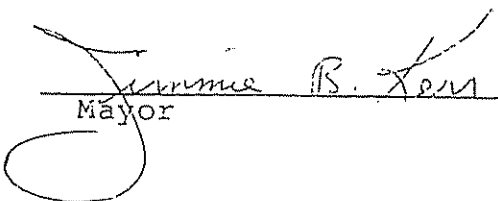
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, as follows:

Authorization for Agreement

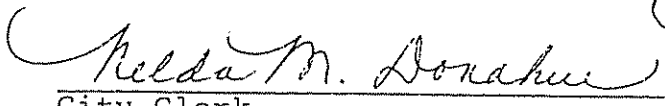
The Mayor and Council hereby authorizes the execution of an intergovernmental agreement between Arizona Department of Transportation and the City of Casa Grande for the widening of Florence Boulevard and authorizes the expenditure of public funds in an amount not-to-exceed \$105,000.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this 28th day of March, 1988.

ATTEST:

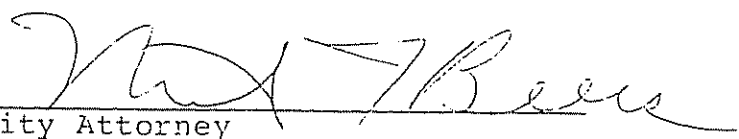


Mayor



City Clerk

APPROVED TO FORM:




City Attorney

A.G. Contract No. KR-88-0378-TRD

City Attorney's Written Determination

This agreement is in the proper form and is within the powers and authority granted to the City of Casa Grande under the laws of the State of Arizona.

3/31/88
Date



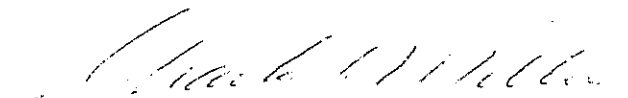
Michael F. Beers
City Attorney

ECS File: IGA-88-14
Project: S-251-504
Section: Pueblo Street-East

RESOLUTION

BE IT RESOLVED on this 25th day of February, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the City of Casa Grande for the construction of roadway improvements to State Route 287 from Milepost 13.0 to Milepost 115.6.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR-88-0378-TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 11th day of April, 1988.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division